THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 7th July 1952.

The House met in the Council Chamber, Fort St. George, at four of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Seizure of lands from the occupation of landless poor.

* 20 *Q.*—SRI S. B. ADITYAN: Will the Hon. the Chief Minister be pleased to state—

(*a*) whether the Government have received any complaints that lands formerly in the occupation of the landless poor had been "seized and assigned to Congressmen";

(*b*) whether the Hon. the Chief Minister advised Congressmen at Salem who had been assigned lands to consider voluntary surrender of such lands; and

(*c*) whether any "political sufferers" have surrendered the lands assigned to them in Salem district; and if so, the number of such persons and area surrendered?

THE HON. SRI C. RAJAGOPALACHARI:—"(*a*) When the scheme for assignment of land to political sufferers was given effect to before this Ministry took office, some complaints were received and they were examined and disposed of on their merits. Instructions have been issued to see that no assignment of the nature referred to is made, that would deprive any landless poor person, or Harijan or Ex-serviceman of the land in his possession as sivoijamadar.

"(*b*) Yes.

"(*c*) Two persons have surrendered 15;60 acres of land assigned to them as political sufferers."

SRI V. GURUNANDAN ROW:—"In view of Articles 294 and 298 of the Constitution, will the Hon. the Chief Minister consider the question of taking legal advice whether the assignment of lands made after the 26th January 1950 does not contravene the said Articles of the Constitution? I shall explain the position to the Hon. the Chief Minister. Articles 294 of the Constitution says that all property which immediately before the commencement of the Constitution vested in His Majesty, shall vest in the State or the Union Government as the case may be and Article 298 says that no property shall be assigned or granted except in accordance with the law. In view of this, will the Hon. the Chief Minister consider the question of taking legal advice, whether assignments made after the 26th January 1950 are against the said Articles?"

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THE HON. SRI C. RAJAGOPALACHARI :—" I shall consult legal advisers."

SRI S. B. ADITYAN :—" May I know whether the instructions have been issued about the landless poor not being deprived of their lands due to these assignments, after some 10,000 assignments have been made? "

THE HON. SRI C. RAJAGOPALACHARI :—" Instructions were given as soon as the present Government's policy was decided upon. The number of applications or assignments which occurred before the poilcy was decided upon, may be any number. But there was no delay between the formulation of the policy and the issue of the instructions."

SRI S. B. ADITYAN :—" May I know, whether assignment of lands to political sufferers has been made since the date of the general election during the period when the Caretaker Government was in charge? "

THE HON. SRI C. RAJAGOPALACHARI :—" If statistical information is required with reference to particular periods such as is mentioned by the hon. Member, namely during the period of the Caretaker Ministry and before the present Ministry took office, notice must be given."

SRI S. B. ADITYAN :—" In view of the scanty response to the appeal made by the Hon. the Chief Minister for voluntary surrender of lands assigned to political sufferers, have the Government under consideration any legislation to undo the mischief done during the previous Ministry? "

THE HON. SRI C. RAJAGOPALACHARI :—" I have already answered that. Sir, apart from the mischief and all that which are assumptions to which I do not wish to be a party, I have already said that any question of taking away lands which had been legally vested in a private party would have to be accompanied with readiness to pay compensation therefor and that is why, the Government will have, under the Constitution, to consider whether legislation will be possible. At present his advice will mean taking the lands and giving compensation therefor through the taxpayers' money and I do not know if that would be feasible; but if the hon. Member would draft a Bill, I should be very glad to examine it."

SRI S. B. ADITYAN :—" It will not be my duty to draft a Bill until the Chief Minister and I exchange positions. May I know if it is one of the conditions of the grant of land to a political sufferer that he should continue to belong to the Congress Party; not only should he have taken part in the Independence movement, but he should continue to be a member of the Congress party? "

THE HON. SRI C. RAJAGOPALACHARI :—" I am not aware of any such conditions having been stipulated in the assignment. As far as I am able to guess, such a condition would have been quite inappropriate, so inappropriate that it could not have been made."

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SRI S. B. ADITYAN :—" In view of the answer given on the floor of the House on the 22nd December 1949, I would like to know whether this poilcy which is now enunciated by the Hon. the Chief Minister is a new policy or whether it is the old policy of the then Government? On the 22nd December 1949, Sri R. Suryanarayana Rao asked whether it was one of the conditions of the assignments that the political sufferer should continue to belong to the Congress Party and the Hon. Sri H. Sitarama Reddi answered ' Yes.'. And this is what happened afterwards ? I shall read the relevant portion from the proceedings of the Conucil."

'JANAB ABDUL LATIF FAROOKHI :—" Is it not a fact, Sir, that this Government on the floor of the House said, some time back, that even though people do not at present belong to the Congress, they would nevertheless get assignment of lands if they are political sufferers ? "

'THE HON. SRI H. SITARAMA REDDI :—" Subsequent to that, or previous to that—I do not remember when—orders were passed saying that they must continue to belong to the Congress organization."

" Then the Hon. Minister made the following statement in reply to janab Abdul Latif Farookhi's question whether the Government had stated that lands would be assigned even though they did not belong to the Congress party and there was then no question of continuance of loyalty to the party.

'I believe I made that statement soon after my assuming office. Probably, I made a mistake then. For some time after that, or I believe, even before I made that statement, there was an order which said that a man should continue to be loyal to the Congress party before he qualified himself as a political sufferer to get an assignment of land to him. Sir, if my previous statement had caused a misapprehension on the matter, I take this opportunity to clearly state that it is necessary that a political sufferer should continue to be loyal to the Congress party to get an assignment of land to him.'

" In view of the categorical statement made on the floor of the House, may I ask whether the policy now enunciated by the Hon. the Chief Minister represents a change in policy? "

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member knows that the policy, the details of which he has referred to is dead and it is no longer in force. If what has been read truly represented the policy of the Government, I do not know under what circumstances the Minister concerned was led to make such an answer; but so far as I am concerned and this Government are concerned, there is no such policy and I cannot explain things done by the previous Ministry, with reference to a policy which is no longer alive."

SRI S. B. ADITYAN :—" In that case, will the Hon. the Chief Minister reconsider all these applications which were rejected on the ground that the applicants did not belong to the Congress party? It was stated on the floor of the House that Mr. E. V. Ramasami Periyar who was one of the applicants was not given an assignment of land for the reason that he did not belong to the Congress party though at the time he was in the movement he belonged to the organization. Will the Hon. the